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HOUSE BILL 713

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

R. DAVID PEDERSON

FOR THE COURTS, CORRECTIONS AND CRIMINAL JUSTICE COMMITTEE

AN ACT

RELATING TO CRIMINAL LAW; AMENDING PENALTY PROVISIONS FOR THE  
OFFENSE OF FORGERY AND VIOLATIONS OF THE WORTHLESS CHECK ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-16-10 NMSA 1978 (being Laws 1963,  
Chapter 303, Section 16-9) is amended to read:

"30-16-10. FORGERY. --

A. Forgery consists of:

~~[A.]~~ (1) falsely making or altering any signature  
to, or any part of, any writing purporting to have any legal  
efficacy with intent to injure or defraud; or

~~[B.]~~ (2) knowingly issuing or transferring a forged  
writing with intent to injure or defraud.

~~[Whoever commits forgery is guilty of a third degree  
felony.]~~

Underscored material = new  
[bracketed material] = delete

1                   B. Whoever commits forgery that causes or is  
2 intended to cause damage of one hundred dollars (\$100) or less  
3 is guilty of a petty misdemeanor.

4                   C. Whoever commits forgery that causes or is  
5 intended to cause damage greater than one hundred dollars (\$100)  
6 but not more than two hundred fifty dollars (\$250) is guilty of  
7 a misdemeanor.

8                   D. Whoever commits forgery that causes or is  
9 intended to cause damage greater than two hundred fifty dollars  
10 (\$250) but not more than two thousand five hundred dollars  
11 (\$2,500) is guilty of a fourth degree felony.

12                   E. Whoever commits forgery that causes or is  
13 intended to cause damage greater than two thousand five hundred  
14 dollars (\$2,500) but not more than twenty thousand dollars  
15 (\$20,000) is guilty of a third degree felony.

16                   F. Whoever commits forgery that causes or is  
17 intended to cause damage greater than twenty thousand dollars  
18 (\$20,000) is guilty of a second degree felony. "

19                   Section 2. Section 30-36-5 NMSA 1978 (being Laws 1965,  
20 Chapter 114, Section 1) is amended to read:

21                   "30-36-5. PENALTY. -- Any person violating Section [~~40-49-4~~  
22 ~~New Mexico Statutes Annotated, 1953 Compilation]~~ 30-36-4 NMSA  
23 1978 shall be punished as follows:

24                   A. when the amount of the check, draft or order or  
25 the total amount of the checks, drafts or orders [~~are for more~~

Underscored material = new  
[bracketed material] = delete

1 ~~than one dollar (\$1.00) but less than twenty-five dollars~~  
2 ~~(\$25.00), imprisonment in the county jail for a term of not more~~  
3 ~~than thirty days or a fine of not more than one hundred dollars~~  
4 ~~(\$100), or both such imprisonment and fine] is one hundred~~  
5 ~~dollars (\$100) or less, the person is guilty of a petty~~  
6 ~~misdeemeanor;~~

7           B. ~~when the amount of the check, draft or order or~~  
8 ~~the total amount of the checks, drafts or orders [are for~~  
9 ~~twenty-five dollars (\$25.00) or more, imprisonment in the~~  
10 ~~penitentiary for a term of not less than one year nor more than~~  
11 ~~three years or the payment of a fine of not more than one~~  
12 ~~thousand dollars (\$1,000) or both such imprisonment and fine.]~~  
13 ~~is more than one hundred dollars (\$100) but not more than two~~  
14 ~~hundred fifty dollars (\$250), the person is guilty of a~~  
15 ~~misdeemeanor;~~

16           C. when the amount of the check, draft or order or  
17 the total amount of the checks, drafts or orders is more than  
18 two hundred fifty dollars (\$250) but not more than two thousand  
19 five hundred dollars (\$2,500), the person is guilty of a fourth  
20 degree felony;

21           D. when the amount of the check, draft or order or  
22 the total amount of the checks, drafts or orders is more than  
23 two thousand five hundred dollars (\$2,500) but not more than  
24 twenty thousand dollars (\$20,000), the person is guilty of a  
25 third degree felony; and

Underscored material = new  
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E. when the amount of the check, draft or order or the total amount of the checks, drafts or orders is more than twenty thousand dollars (\$20,000), the person is guilty of a second degree felony. "

Section 3. EFFECTIVE DATE. -- The effective date of the provisions of this act is July 1, 1997.